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Attorneys for Defendant Walmart Inc.
i/p/a Wal-Mart Associates Inc.

LYNN D'ALIBERTI, ROBERT
D'ALIBERTI

Plaintiffs,

vs.

WAL-MART ASSOCIATES INC.,
JOHN/JANE DOE (#1-5) ABC CORPS.
(#1-5),

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - WARREN COUNTY

Docket No. WRN-L-115-22

Civil Action

PETITION OF REMOVAL

Removing Defendant, **WALMART INC. I/P/A WAL-MART ASSOCIATES INC.**, (hereinafter referred to as "Removing Defendant"), upon information and belief, states as follows:

1. On or about May 18, 2022, Plaintiffs Lynn D'Aliberti and Robert D'Aliberti commenced an action against the Removing Defendant in the Superior Court of New Jersey, County of Warren, bearing Docket Number WRN-L-115-22. A copy of the Complaint is annexed hereto as **Exhibit "A"**.

2. Plaintiff is a resident of the State of New Jersey. (See, **Exhibit "A"**, Complaint).

3. Removing Defendant is a corporation organized and existing under the laws of the State of Delaware with a principal place of business in Bentonville, Arkansas.

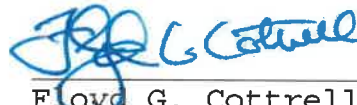
4. Upon information and belief, the amount in controversy is more than \$75,000.00.

5. Accordingly, this Court has diversity jurisdiction of this action pursuant to 28 U.S.C § 1332, and Removing Defendant is entitled to removal of this action pursuant to 28 U.S.C § 1441.

WHEREFORE, Removing Defendant prays that this action be removed to the United States District Court for the District of New Jersey, pursuant to 28 U.S.C § 1441 and § 1446.

RAWLE & HENDERSON LLP
Attorneys for Defendant,
Walmart Inc. i/p/a Wal-Mart
Associates Inc.

By:



Floyd G. Cottrell, Esq.
(973) 643-1400, ext. 13
fcottrell@rawle.com

Dated: June 24, 2021

EXHIBIT A

THE LAW OFFICE OF MICHAEL J. HANIFAN, P.A.

Counselor at Law



Post Office Box 357
3 Main Street, 1st Floor
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Michael J. Hanifan, Sr. * +
Attorney ID #031991997

Counsel
Adrianna Cassiere Allen, Esq.
Attorney ID # 022842005

Of Counsel
Gerald B. Hanifan, Sr.
Attorney ID# 218481968

Counsel
John M. Breslin, Esq.
Attorney ID# 039031996

Paralegal
Ami R. Byra

* Member of the NJ and PA Bar
+ Member of the 3rd Circuit Federal Court of Appeals

May 18, 2022

Via eCourts Only

Warren County Superior Court
413 2nd St. #1
Belvidere, NJ 07823

Re: D' Aliberti v. Wal-Mart Associates, Inc., et al.

Enclosed please find the following regarding the above matter.

<input type="checkbox"/> DIVORCE COMPLAINT	<input type="checkbox"/> NOTICE OF MOTION TO QUASH
<input checked="" type="checkbox"/> CASE INFORMATION SHEET	<input type="checkbox"/> CERTIFICATION OF EMAIL SIGNATURE
<input type="checkbox"/> CONFIDENTIAL LITIGANT INFO. SHEET	<input type="checkbox"/> ORDER
<input checked="" type="checkbox"/> SUMMONS	<input type="checkbox"/> JUDGEMENT
<input type="checkbox"/> ANSWER AND COUNTERCLAIM	<input type="checkbox"/> REQUEST FOR ENTRY of DEFAULT
<input type="checkbox"/> STIP EXTENDING TIME TO ANSWER	<input checked="" type="checkbox"/> NOTICE OF APPEARANCE
<input type="checkbox"/> STIPULATION OF DISMISSAL	<input type="checkbox"/> PROOF OF MAILING
<input type="checkbox"/> CERTIFICATION IN SUPPORT OF CROSS MOTION	<input type="checkbox"/> AFFIDAVIT OF INSURANCE
<input type="checkbox"/> CHECK IN THE AMT OF COMPLAINT	<input type="checkbox"/> PROPERTY SETTLEMENT AGREEMENT
<input type="checkbox"/> CERTIFICATION OF ATTORNEY	<input type="checkbox"/> RECORDING FEES(See Acct# below)
	<input type="checkbox"/> NOTICE OF CROSS-MOTION
	<input type="checkbox"/> LETTER BRIEF

PLEASE FILE AND RETURN COPY "MARKED" FILED. PLEASE CHARGE ANY FEES TO
OUR JACS ACCOUNT # 146862.



VERY TRULY YOURS,

THE LAW OFFICE OF MICHAEL J. HANIFAN, P.A.

By: Michael J. Hanifan, Sr.

MJH/ab

Cc; Client via e-mail Only

	Civil Case Information Statement (CIS)		<small>For Use by Clerk's Office Only</small>	
	Use for initial Law Division Civil Part pleadings (not motions) under <i>Rule</i> 4:5-1 Pleading will be rejected for filing, under <i>Rule</i> 1:5-6(c), if information above the black bar is not completed or attorney's signature is not affixed		Payment type: <input type="checkbox"/> ck <input type="checkbox"/> cg <input type="checkbox"/> ca	
			Chg/Ck Number:	
			Amount:	
			Overpayment:	
		Batch Number:		
Attorney/Pro Se Name Michael J. Hanifan, PA		Telephone Number (973) 383-8082		County of Venue Essex Warren
Firm Name (if applicable) The Law Office of Michael J. Hanifan, PA			Docket Number (when available)	
Office Address P.O. Box 357 3 Main St., 1st Floor Newton, NJ 08760			Document Type Complaint	
			Jury Demand <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Name of Party (e.g., John Doe, Plaintiff) Lynn D' Aliberti Robert D' Aliberti Plaintiff		Caption		
Case Type Number (See reverse side for listing) 605	Are sexual abuse claims alleged? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Is this a professional malpractice case? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If you have checked "Yes," see N.J.S.A. 2A:53A-27 and applicable case law regarding your obligation to file an affidavit of merit.		
Related Cases Pending? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		If "Yes," list docket numbers		
Do you anticipate adding any parties (arising out of same transaction or occurrence)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		Name of defendant's primary insurance company (if known) <input type="checkbox"/> None <input checked="" type="checkbox"/> Unknown		
The Information Provided on This Form Cannot be Introduced into Evidence.				
Case Characteristics for Purposes of Determining if Case is Appropriate for Mediation				
Do parties have a current, past or recurrent relationship? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		If "Yes," is that relationship: <input type="checkbox"/> Employer/Employee <input type="checkbox"/> Friend/Neighbor <input type="checkbox"/> Other (explain) <input type="checkbox"/> Familial <input type="checkbox"/> Business		
Does the statute governing this case provide for payment of fees by the losing party? <input type="checkbox"/> Yes <input type="checkbox"/> No				
Use this space to alert the court to any special case characteristics that may warrant individual management or accelerated disposition				
Do you or your client need any disability accommodations? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		If yes, please identify the requested accommodation:		
Will an interpreter be needed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		If yes, for what language?		
I certify that confidential personal identifiers have been redacted from documents now submitted to the court and will be redacted from all documents submitted in the future in accordance with <i>Rule</i> 1:38-7(b).				
Attorney Signature: 				

THE LAW OFFICE OF MICHAEL J. HANIFAN, P.A.

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Attorneys for **PLAINTIFFS**
Attorney ID #031991997

LYNN D'ALIBERTI, ROBERT
D'ALIBERTI

Plaintiff,

v.

WAL-MART ASSOCIATES INC.
JOHN/JANE DOE (#1-5)
ABC CORPS. (#1-5),

Defendants.

SUPERIOR COURT OF NEW JERSEY
WARREN COUNTY

DOCKET NO. WRN -L-

NOTICE OF APPEARANCE

The Plaintiffs, Lynn D' Aliberti and Robert D' Aliberti, residing at 30 Mt. Herman Road, Township of Blairstown, County of Warren, State of New Jersey, 07825 is hereby represented by Michael J. Hanifan, Sr. Esq., of The Law Office of Michael J. Hanifan, P.A. and hereby enters his appearance in the above-entitled matter.

Dated: May 18, 2022

THE LAW OFFICE OF
MICHAEL J. HANIFAN, P.A.



By: Michael J. Hanifan, Sr., Esq.
Attorney for the Plaintiffs

THE LAW OFFICE OF MICHAEL J. HANIFAN, P.A.

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E-Mail: office@hanifanlaw.com

Attorneys for **PLAINTIFF**

Attorney ID #031991997

LYNN D'ALIBERTI, ROBERT
D'ALIBERTI

Plaintiff,

v.

WAL-MART ASSOCIATES INC.

JOHN/JANE DOE (#1-5)

ABC CORPS. (#1-5),

Defendants.

SUPERIOR COURT OF NEW JERSEY
WARREN COUNTY

DOCKET NO. WRN -L-

COMPLAINT AND JURY DEMAND

Plaintiff(s), LYNN D'ALIBERTI and her husband ROBERT D'ALIBERTI (hereinafter referred to as "PLAINTIFF(S)"), who, at all times relevant to this action, resided in the city of Blairstown, NJ, in the county of Warren and continues to reside in New Jersey, by way of Complaint against Defendants, states :

FACTS AS TO ALL COUNTS

1. On Monday, May 19, 2020, PLAINTIFF LYNN D'ALIBERTI, was lawfully present on a certain parcel of property, commonly known, and referred-to, as Walmart Supercenter in the Town of Hackettstown, County of Warren, and State of New Jersey.

2. At the aforementioned time, and on the aforementioned date, Defendant, WALMART ASSOCIATES, INC. d/b/a WALMART SUPERCENTER, (hereinafter referred to as "DEFENDANT"), was the owner of record of the aforesaid property.

3. Based on information, knowledge, and/or belief, at the aforementioned time and place, and on the aforementioned date, DEFENDANT, was a company, with its principal place of business located at 1885 State Route 57 Set 100, In the town of Hackettstown, County of Warren, and the State of New Jersey, duly authorized to conduct business in the State of New Jersey, which, at all times relevant to this action, it did.

4. At the aforementioned time, and on the aforementioned date, DEFENDANT was in possession and control of, and/or maintained and/or managed said property.

5. At the aforementioned time and place, DEFENDANT, its servants, agents, and/or employees, owned, operated, occupied, maintained, managed, and/or controlled the subject property, including, but not limited to, that area of the subject property that is used as the means of access to and egress from the hospital situated on said property.

6. On the aforementioned date, and at the aforementioned time and place, PLAINTIFF, LYNN D'ALIBERTI, who was lawfully on the aforementioned property, tripped on an unmarked raised sidewalk that comprised a portion of the means of egress

from the store entry, situated on the subject property, and fell to the ground, thereby sustaining serious personal injuries.

7. PLAINTIFF, LYNN D'ALIBERTI'S, trip and fall and consequential injuries, were directly, proximately, and consequentially caused by the unmarked raised sidewalk in front of the store entry, situated on the subject property.

8. PLAINTIFF, LYNN D'ALIBERTI'S, trip and fall and consequential injuries, were directly, proximately, and consequentially caused by a lack of any markings, warning and/or informing pedestrians that there is a change in grade, elevation of the tread and riser, and/or raised sidewalk situated on the subject property.

9. PLAINTIFF ROBERT D'ALIBERTI, as the husband of PLAINTIFF LYNN D'ALIBERTI, has been caused to expend money for her care and treatment, and has been caused to suffer the loss of society, services, and consortium, all to his detriment.

10. Prior to this incident, DEFENDANT, was aware of the presence of said change in grade, elevation of the tread and riser, and/or raised sidewalk in the front of the store situated on the subject property, however, DEFENDANT, failed to warn and/or otherwise inform pedestrians of the same, failed to maintain said property in a reasonably safe condition, and/or otherwise failed to rectify the situation.

11. Prior to this incident, CO-DEFENDANT, DOE 1, was aware of the presence of said change in grade, elevation of the tread and riser, and/or raised sidewalk at the front of the store situated on the subject property, however, CO-DEFENDANT, DOE 1, failed to warn and/or otherwise inform pedestrians of the same, failed to maintain said property in a reasonably safe condition, and/or otherwise failed to rectify the situation.

12. Prior to this incident, CO-DEFENDANT, ABC 1, was aware of the presence of said change in grade, elevation of the tread and riser, and/or raised sidewalk in the front of the store situated on the subject property, however, CO-DEFENDANT, ABC 1, failed to warn and/or otherwise inform pedestrians of the same, failed to maintain said property in a reasonably safe condition, and/or otherwise failed to rectify the situation,

13. As a direct, proximate, and consequential result of the reckless, careless, and/or negligent manner in which DEFENDANT, owned and/or maintained the aforementioned property, PLAINTIFF, LYNN D'ALIBERTI'S tripped and fell to the ground, thereby sustaining serious personal injuries that required medical treatments, surgery/operation, therapy, evaluations, examinations, testing, and the like.

14. Further, PLAINTIFF, LYNN D'ALIBERTI'S incurred substantial medical expenses for the treatments, surgery/operation, therapy, evaluations, examinations, testing, and the like, she was required to undergo for the injuries she sustained as a direct, proximate, and consequential result of the reckless, careless, and/or negligent manner in which DEFENDANT, owned and/or maintained the aforementioned property.

15. Further, PLAINTIFF ROBERT D'ALIBERTI'S has been caused to expend money for her care and treatment and has been caused to suffer the loss of society, services, and consortium, all to his detriment.

16. As a direct, proximate, and consequential result of the reckless, careless, and/or negligent manner in which CO-DEFENDANT, DOE 1, owned, rented, occupied, and/or maintained the aforementioned property, PLAINTIFF, LYNN D'ALIBERTI tripped

and fell to the ground, thereby sustaining serious personal injuries that required medical treatments, surgery/operation, therapy, evaluations, examinations, testing, and the like.

17. Further, PLAINTIFF, LYNN D'ALIBERTI incurred substantial medical expenses for the treatments, surgery/operation, therapy, evaluations, examinations, testing, and the like, she was required to undergo for the injuries she sustained as a direct, proximate, and consequential result of the reckless, careless, and/or negligent manner in which CO-DEFENDANT, DOE 1, owned, rented, occupied, and/or maintained the aforementioned property.

18. Further, PLAINTIFF ROBERT D'ALIBERTI has been caused to expend money for her care and treatment and has been caused to suffer the loss of society, services, and consortium, all to his detriment.

19. As a direct, proximate, and consequential result of the reckless, careless, and/or negligent manner in which CO-DEFENDANT, ABC 1, owned, rented, occupied, and/or maintained the aforementioned property, PLAINTIFF, LYNN D'ALIBERTI tripped and fell to the ground, thereby sustaining serious personal injuries that required medical treatments, surgery/operation, therapy, evaluations, examinations, testing, and the like.

20. Further, PLAINTIFF, LYNN D'ALIBERTI incurred substantial medical expenses for the treatments, surgery/operation, therapy, evaluations, examinations, testing, and the like, she was required to undergo for the injuries she sustained as a direct, proximate, and consequential result of the reckless, careless, and/or negligent manner in which CO-DEFENDANT, ABC 1, owned, rented, occupied, and/or maintained the aforementioned property.

21. Further, as a direct result of the negligent, careless and reckless acts and/or omissions of the DEFENDANT(S), PLAINTIFF ROBERT D'ALIBERTI has and in the future will continue to suffer loss of the reasonable expected consortium, companionship and services of his spouse, PLAINTIFF LYNN D'ALIBERTI, has and in the future will continue to suffer severe economic loss, great anguish, embarrassment and psychological torment, suffer great limitation of their usual, customary and expected activities, has been and in the future will be compelled to spend large and diverse sums of money for hospitalization, health care, medical attention , and other incidental items, has and in the future will be prevented from attending to their usual duties for a long period of time.

COUNT ONE

22. PLAINTIFF repeats and re-alleges the facts as stated under Facts as to All Counts, above, as if fully set forth hereinafter.

23. At the aforementioned time and place, and on the aforementioned date, and as a direct, proximate, and consequential result of the reckless, careless, and/or negligent manner in which DEFENDANT, owned and/or maintained the aforementioned property, PLAINTIFF tripped and fell to the ground, thereby sustaining serious personal injuries that required medical treatments, surgery/operation, therapy, evaluations, examinations, testing, and the like.

24. At the aforementioned time and place, and on the aforementioned date, and as a direct, proximate, and consequential result of the reckless, careless, and/or negligent manner in which DEFENDANT, owned and/or maintained the aforementioned property,

PLAINTIFF tripped and fell to the ground, thereby sustaining serious personal injuries, both of a temporary and permanent nature, with much pain, suffering, and mental anguish, and she was caused to expend large sums of money in order to cure her personal injuries, undergo procedures, and alleviate her pain, suffering, and mental anguish, and she was otherwise damaged.

25. Further, at the aforementioned time and place, and on the aforementioned date, and as a direct, proximate, and consequential result of the reckless, careless, and/or negligent manner in which DEFENDANT, owned and/or maintained the aforementioned property, which caused PLAINTIFF to trip and fall to the ground, PLAINTIFF sustained serious personal injuries and incurred, and in the future will incur, expenses for treatment of said injuries, and has been disabled, and in the future will be disabled, and unable to perform her usual functions.

WHEREFORE, PLAINTIFF demands Judgment against DEFENDANT, jointly, severally, and/or individually, for:

- (a) damages;
- (b) interest;
- (c) costs of suit;
- (d) Lost wages;
- (e) Whatever the Court deems equitable and just.

COUNT TWO

26. PLAINTIFF repeats and re-alleges the facts as stated under **FACTS AS TO ALL COUNTS** above, and Count One, also above, as if fully set forth hereinafter.

27. At the aforementioned time and place, and on the aforementioned date, and as a direct, proximate, and consequential result of the reckless, careless, and/or negligent manner in which DEFENDANT, owned and/or maintained the aforementioned property, PLAINTIFF tripped and fell to the ground, thereby sustaining serious personal injuries that required medical treatments, surgery/operation, therapy, evaluations, examinations, testing, and the like.

28. PLAINTIFF incurred substantial medical expenses/bills, some, or all of which remain outstanding, for the treatments, procedures, therapy, evaluations, examinations, testing, and the like, she was required to undergo for the injuries she sustained as a direct, proximate, and consequential result of the reckless, careless, and/or negligent manner in which DEFENDANT, owned and/or maintained the subject property.

WHEREFORE, PLAINTIFF demands Judgment against DEFENDANTS, jointly, severally, and/or individually, for:

- (a) past, present, and future medical bills;
- (b) interest;
- (c) costs of suit;
- (d) Whatever the Court deems equitable and just.

COUNT THREE

29. PLAINTIFF repeats and re-alleges the facts as stated under Facts as to All Counts, above, and Counts One-Two, also above, as if fully set forth hereinafter.

30. At the aforementioned time and place, and on the aforementioned date, and as a direct, proximate, and consequential result of the reckless, careless, and/or negligent manner in which CO-DEFENDANT, DOE 1, owned, rented, occupied, and/or maintained the aforementioned property, PLAINTIFF tripped and fell to the ground, thereby sustaining serious personal injuries that required medical treatments, surgery/operation, therapy, evaluations, examinations, testing, and the like.

31. At the aforementioned time and place, and on the aforementioned date, and as a direct, proximate, and consequential result of the reckless, careless, and/or negligent manner in which CO-DEFENDANT, DOE 1, owned, rented, occupied, and/or maintained the aforementioned property, PLAINTIFF tripped and fell to the ground, thereby sustaining serious personal injuries, both of a temporary and permanent nature, with much pain, suffering, and mental anguish, and she was caused to expend large sums of money in order to cure her personal injuries, undergo procedures, and alleviate her pain, suffering, and mental anguish, and she was otherwise damaged.

32. Further, at the aforementioned time and place, and on the aforementioned date, and as a direct, proximate, and consequential result of the reckless, careless, and/or negligent manner in which CO-DEFENDANT, DOE 1, owned, rented, occupied, and/or maintained the aforementioned property, which caused PLAINTIFF to trip and fall to the ground, PLAINTIFF sustained serious personal injuries and incurred, and in the future will

incur, expenses for treatment of said injuries, and has been disabled, and in the future will be disabled, and unable to perform her usual functions.

WHEREFORE, PLAINTIFF demands Judgment against CO-DEFENDANT, DOE 1, jointly, severally, and/or individually:

(a) damages;

(b) interest;

(c) costs of suit;

(d) Whatever the Court deems equitable and just.

COUNT FOUR

33. PLAINTIFF repeats and re-alleges the facts as stated under Facts as to All Counts, above, and Counts One-Three, also above, as if fully set forth hereinafter.

34. At the aforementioned time and place, and on the aforementioned date, and as a direct, proximate, and consequential result of the reckless, careless, and/or negligent manner in which CO-DEFENDANT, DOE 1, owned, rented, occupied, and/or maintained the aforementioned property, PLAINTIFF tripped and fell to the ground, thereby sustaining serious personal injuries that required medical treatments, surgery/operation, therapy, evaluations, examinations, testing, and the like.

35. PLAINTIFF incurred substantial medical expenses/bills, some, or all of which remain outstanding, for the treatments, procedures, therapy, evaluations, examinations, testing, and the like, she was required to undergo for the injuries she sustained as a direct,

proximate, and consequential result of the reckless, careless, and/or negligent manner in which CO-DEFENDANT, DOE 1, owned, rented, occupied, and/or maintained the subject property.

WHEREFORE, PLAINTIFF demands Judgment against CO-DEFENDANT, DOE 1, jointly, severally, and/or individually, for:

- (a) past, present, and future medical bills;
- (b) interest;
- (c) costs of suit;
- (d) Whatever the Court deems equitable and just.

COUNT FIVE

36. PLAINTIFF repeats and re-alleges the facts as stated under Facts as to All Counts, above, and Counts One-Four, also above, as if fully set forth hereinafter.

37. At the aforementioned time and place, and on the aforementioned date, and as a direct, proximate, and consequential result of the reckless, careless, and/or negligent manner in which CO-DEFENDANT, ABC 1, owned, rented, occupied, and/or maintained the aforementioned property, PLAINTIFF tripped and fell to the ground, thereby sustaining serious personal injuries that required medical treatments, surgery/operation, therapy, evaluations, examinations, testing, and the like.

38. At the aforementioned time and place, and on the aforementioned date, and as a direct, proximate, and consequential result of the reckless, careless, and/or negligent

manner in which CO-DEFENDANT, ABC 1, owned, rented, occupied, and/or maintained the aforementioned property, PLAINTIFF tripped and fell to the ground, thereby sustaining serious personal injuries, both of a temporary and permanent nature, with much pain, suffering, and mental anguish, and she was caused to expend large sums of money in order to cure her personal injuries, undergo procedures, and alleviate her pain, suffering, and mental anguish, and she was otherwise damaged.

39. Further, at the aforementioned time and place, and on the aforementioned date, and as a direct, proximate, and consequential result of the reckless, careless, and/or negligent manner in which CO-DEFENDANT, ABC 1, owned, rented, occupied, and/or maintained the aforementioned property, which caused PLAINTIFF to trip and fall to the ground, PLAINTIFF sustained serious personal injuries and incurred, and in the future will incur, expenses for treatment of said injuries, and has been disabled, and in the future will be disabled, and unable to perform her usual functions.

WHEREFORE, PLAINTIFF demands Judgment against CO-DEFENDANT, ABC 1, jointly, severally, and/or individually, for:

- (a) damages;
- (b) interest;
- (c) costs of suit;
- (d) Whatever the Court deems equitable and just.

COUNT SIX

40. PLAINTIFF repeats and re-alleges the facts as stated under Facts as to All Counts, above, and Counts One-Five, also above, as if fully set forth hereinafter.

41. At the aforementioned time and place, and on the aforementioned date, and as a direct, proximate, and consequential result of the reckless, careless, and/or negligent manner in which CO-DEFENDANT, ABC 1, owned, rented, occupied, and/or maintained the aforementioned property, PLAINTIFF tripped and fell to the ground, thereby sustaining serious personal injuries that required medical treatments, surgery/operation, therapy, evaluations, examinations, testing, and the like.

42. PLAINTIFF incurred substantial medical expenses/bills, some, or all of which remain outstanding, for the treatments, procedures, therapy, evaluations, examinations, testing, and the like, she was required to undergo for the injuries she sustained as a direct, proximate, and consequential result of the reckless, careless, and/or negligent manner in which CO-DEFENDANT, ABC 1, owned, rented, occupied, and/or maintained the subject property.

WHEREFORE, PLAINTIFF demands Judgment against CO-DEFENDANT, ABC 1, jointly, severally, and/or individually, for;

- (a) past, present, and future medical bills;
- (b) interest;
- (c) costs of suit;
- (d) Whatever the Court deems equitable and just.

COUNT SEVEN

43. PLAINTIFF(S) LYNN D'ALIBORTE AND ROBERT D'ALIBORTE, as husband and wife, repeats and re-alleges the facts as stated above and as to Counts One-Six, also above, as if fully set forth hereinafter.

44. At all relevant times, Further, PLAINTIFF ROBERT D'ALIBERTI is and continues to be the lawfully wedded spouse of PLAINTIFF LYNN D'ALIBERTI.

45. As a direct result of the negligent, careless and reckless acts and/or omissions of the DEFENDANT(S), PLAINTIFF ROBERT D'ALIBERTI has and in the future will continue to suffer loss of the reasonable expected consortium, companionship and services of his spouse, PLAINTIFF LYNN D'ALIBERTI, has and in the future will continue to suffer severe economic loss, great anguish, embarrassment and psychological torment, suffer great limitation of their usual, customary and expected activities, has been and in the future will be compelled to spend large and diverse sums of money for hospitalization, health care, medical attention, and other incidental items, has and in the future will be prevented from attending to their usual duties for a long period of time.

WHEREFORE, PLAINTIFF(s) LYNN D'ALIBERTI and ROBERT D'ALIBERTI, as husband and wife, demands Judgment for damages against DEFENDANT, CO-DEFENDANT, DOE-1 AND CO-DEFENDANT ABC-1, jointly, severally, and/or individually, for;

(a) past, present, and future medical bills;

(b) interest;

(c) costs of suit;

(d) Whatever the Court deems equitable and just.

DESIGNATION OF TRIAL COUNSEL

Pursuant to R. 4:5-1(c) Michael J. Hanifan; Sr., Esq., is hereby designated as Trial Counsel for PLAINTIFF in the above-captioned matter.

DEMAND FOR JURY TRIAL

Pursuant to R. 1:8-1 (b) and R. 4:35-1, PLAINTIFF demands a trial by jury on all issues involved herein.

DEMAND FOR PRODUCTION OF INSURANCE AGREEMENTS

Pursuant to R. 4:10-2(B), Demand is hereby made that you disclose to the undersigned whether there are any insurance agreements or policies under which any person or firm carrying on an insurance business may be liable to satisfy all or part of a judgment which may be entered in the action or to indemnify or reimburse for payment made to satisfy the judgment. If so, please attach a copy of each , or in the alternative state, under oath and certification: (a) policy number; (b) name and address of insurer; © inception and expiration date; (d) names and addresses of all persons insured thereunder; (e) personal injury limits; (f) property damage limits; and (g) medical payment limits.

CERTIFICATION

Pursuant to R. 4:5-1, I hereby certify that the matter in controversy is not the subject of any other action pending in any court and is not the subject of any pending arbitration proceeding. I further certify that no other action or arbitration proceeding is contemplated regarding the subject matter of this action and that, aside from those stated herein, no other parties should be joined in this action at this time.

REDACTION OF CONFIDENTIAL PERSONAL IDENTIFIERS

Pursuant to R. 4:5-1 (b)(3) and R. 1:38-7(c), I certify that confidential personal identifiers have been redacted from documents now submitted to the Court and will be redacted from all documents submitted in the future, in accordance with R. 1:38-7(b).

DEMAND FOR ANSWERS TO FORM UNIFORM INTERROGATORIES

Pursuant to R. 4:17, PLAINTIFF hereby demands that each and every DEFENDANT provide certified answers to the Form Uniform Interrogatories, as appropriate, of Appendix II of the New Jersey Court Rules, 2022.

DEMAND FOR PRODUCTION OF DOCUMENTS

Pursuant to R. 4:18, PLAINTIFF hereby demands that each and every DEFENDANT produce copies of any and all "documents (including writings, drawings, graphs, charts, photographs, sound recordings, images, electronically stored information, and any other data or data compilations stored in any medium from which information can be obtained and translated, if necessary...)," which constitute or contain matters within

the scope of R. 4:10-2, in the possession, custody, and/or control of each and every DEFENDANT.

The Law Office of Michael J. Hanifan, P.A.
Attorneys for PLAINTIFF

Date: 5/17/2022


Michael J. Hanifan, Sr., Esq.

Lynn D'Aliberti, pursuant to *Rule 1:4-4(b)*, hereby certifies as follows:

1. I am the Plaintiff herein.
2. I have read the allegations of the foregoing Complaint and same are true and correct to the best of my knowledge and belief.

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated:

5-17-2022

A handwritten signature in cursive script, appearing to read "Lynn A. D'Aliberti". The signature is written in dark ink and is positioned above a horizontal line.

Lynn D'Aliberti

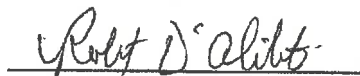
Robert D'Aliberti, pursuant to *Rule 1:4-4(b)*, hereby certifies as follows:

3. I am the Plaintiff herein.

4. I have read the allegations of the foregoing Complaint and same are true and correct to the best of my knowledge and belief.

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated: 5/17/2022



Robert D'Aliberti

THE LAW OFFICE OF MICHAEL J. HANIFAN, P.A.

Michael J. Hanifan, Sr.
3 Main Street, 1st Floor
P.O. Box 357
Newton, New Jersey 07860
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E-Mail: office@hanifanlaw.com
Attorneys for **PLAINTIFF**
Attorney ID #031991997

LYNN D'ALIBERTI, ROBERT
D'ALIBERTI

Plaintiff,

v.

WAL-MART ASSOCIATES INC.
JOHN/JANE DOE (#1-5)
ABC CORPS. (#1-5),

Defendants.

SUPERIOR COURT OF NEW JERSEY
WARREN COUNTY

DOCKET NO. WRN -L-

SUMMONS

FROM THE STATE OF NEW JERSEY

TO the Defendant (s) named above: WAL-MART ASSOCIATES INC., JOHN/JANE DOE
(#1-5), ABC CORPS. (#1-5)

YOU ARE HEREBY SUMMONED in a Civil Action in the Law Division in Warren
County, State of New Jersey, instituted by the above named Plaintiff, Lynn D'Aliberti
and Robert D'Aliberti, required to serve upon The Law Office of Michael J. Hanifan P.A.,
Michael J. Hanifan, Sr., Esq., appearing attorney for the Plaintiffs, 3 Main Street, P.O.
Box 357, Newton, New Jersey, 07860, an Answer to the Complaint, a copy of which is
herewith served upon you, within thirty-five (35) days after service of the Summons

upon you, exclusive of the day of service. If you fail to do so, judgment by default may be rendered against you for the relief demanded in the Complaint. You shall file your Answer and Proof of Service in duplicate with the Clerk of the Superior Court, Law Division, Warren County, New Jersey in accordance with the Rules of Civil Practice and Procedure.

If you cannot afford to pay an attorney, call a Legal Services Office. An individual not eligible for free legal assistance may obtain a referral to an attorney by calling a County lawyer referral service. These numbers may be listed in the yellow pages of your phone book or may be obtained by calling the New Jersey State Bar Association Lawyer Referral Service toll-free at (800) 792-8315 (within New Jersey) or (609) 394-1101 (from out of State). A list of these numbers is also provided.

Dated: 5/18/2022


Clerk of the Superior Court

Name of Defendants to be served:

C T Corporation System
WAL-MART ASSOCIATES INC.
820 Bear Tavern Rd.
West Trenton, NJ 08628

Civil Case Information Statement

Case Details: WARREN | Civil Part Docket# L-000115-22

Case Caption: D' ALIBERTI LYNN VS WAL-MART ASSOCIATES, INC.

Case Initiation Date: 05/18/2022

Attorney Name: MICHAEL JOHN HANIFAN SR

Firm Name: MICHAEL J. HANIFAN, PA

Address: 3 MAIN STREET, 1ST FL P. O. BOX 357
NEWTON NJ 07860

Phone: 9733838082

Name of Party: PLAINTIFF : D' Aliberti, Lynn

Name of Defendant's Primary Insurance Company
(if known): Unknown

Case Type: PERSONAL INJURY

Document Type: Complaint with Jury Demand

Jury Demand: YES - 6 JURORS

Is this a professional malpractice case? NO

Related cases pending: NO

If yes, list docket numbers:

Do you anticipate adding any parties (arising out of same transaction or occurrence)? YES

Does this case involve claims related to COVID-19? NO

Are sexual abuse claims alleged by: Lynn D' Aliberti? NO

Are sexual abuse claims alleged by: Robert D' Aliberti? NO

THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE

CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION

Do parties have a current, past, or recurrent relationship? NO

If yes, is that relationship:

Does the statute governing this case provide for payment of fees by the losing party? NO

Use this space to alert the court to any special case characteristics that may warrant individual management or accelerated disposition:

Do you or your client need any disability accommodations? NO

If yes, please identify the requested accommodation:

Will an interpreter be needed? NO

If yes, for what language:

Please check off each applicable category: Putative Class Action? NO Title 59? NO Consumer Fraud? NO

I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with *Rule* 1:38-7(b)

05/18/2022

Dated

/s/ MICHAEL JOHN HANIFAN SR

Signed